



Legislation Details (With Text)

**File #:** ID#15-659    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 7/8/2015    **In control:** City Council

**On agenda:** 7/30/2015    **Final action:** 7/30/2015

**Title:** RESOLUTION - Ordering the summary vacation of a portion of the relinquishment of direct access rights on the south side of W. Clinton Avenue west of N. Weber Avenue

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map.pdf, 2. 11920 Resolution.pdf

Date	Ver.	Action By	Action	Result
7/30/2015	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**July 30, 2015**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**THROUGH:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division

JILL GORMLEY, PE, City Traffic Engineer/Division Manager  
Public Works Department, Traffic and Engineering Services Division

**BY:** ALAN JAMES, Supervising Engineering Technician  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT**

RESOLUTION - Ordering the summary vacation of a portion of the relinquishment of direct access rights on the south side of W. Clinton Avenue west of N. Weber Avenue

**RECOMMENDATIONS**

Staff recommends the City Council adopt the attached resolution ordering the summary vacation of a portion of the relinquishment of direct access rights on the south side of West Clinton Avenue west of North Weber Avenue.

**EXECUTIVE SUMMARY**

Noyan/Frazier Properties, LLC has requested the vacation of a portion of the relinquishment of direct access rights on the south side of West Clinton Avenue west of North Weber Avenue, as shown on Exhibit "A" of the attached resolution. The purpose of the vacation is to allow a right-in and right-out access onto Clinton Avenue as proposed by Conditional Use Permit No. C-14-096.

## **BACKGROUND**

Conditional Use Permit No. C-14-096 proposes to construct an 85,540 square foot shopping center anchored by a 45,000 Vallarta Supermarket on approximately 8.3 acres at the southwest corner of Clinton and Weber Avenues. Currently the only access to the property is from Weber. Part of the project proposes a street type opening on Clinton for access in and out of the shopping center.

The relinquishment of direct access rights was originally acquired by the State of California for the Clinton overpass at Freeway 99. The State relinquished the abutting street right-of-way and access rights to the City of Fresno as shown on the map of Relinquishment No. 81617 recorded July 13, 1994, in State Highway Map Book 3 at Pages 56 and 57, Fresno County Records.

The Traffic and Engineering Services Division reviewed this proposal and determined the relinquishment of direct access rights is no longer necessary at this location.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code (whose definition of "street" includes restrictions of access or abutters' rights) authorizes the Council to summarily vacate a portion of public street or highway that lies within property under one ownership and that does not continue through such ownership or end touching the property of another. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

The City Attorney's Office has reviewed and approved the attached resolution as to form.

## **ENVIRONMENTAL FINDINGS**

This project was previously assessed and determined to be within the scope of the Master Environmental Impact Report (MEIR) SCH No. 2012111015 prepared for the new Fresno General Plan Update adopted by the Fresno City Council on December 18, 2014. The Finding of Conformity was adopted by the City on March 20, 2015, in connection with Conditional Use Permit Application No. C-14-096. This approval is to implement a portion of that project.

## **LOCAL PREFERENCE**

Local preference does not apply because the vacation of a public easement does not involve bidding or contracting.

## **FISCAL IMPACT**

There will be no City funds involved with this vacation. Noyan/Frazier Properties, LLC has paid all

processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

1. Vicinity Map
2. Resolution